

Supreme Court of Kentucky

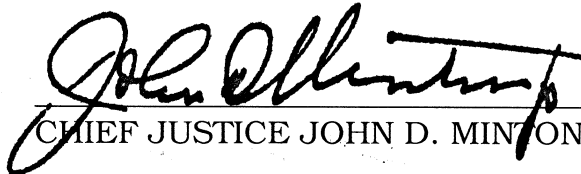
ORDER

**IN RE: ORDER APPROVING THE DOMESTIC VIOLENCE PROTOCOL
FOR THE 47TH JUDICIAL CIRCUIT AND DISTRICT, LETCHER
COUNTY**

Upon recommendation of the Judges of the 47th Judicial Circuit and District, and being otherwise sufficiently advised,

The Domestic Violence Protocol for the 47th Judicial Circuit and District, Letcher County is hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 25th day of May 2012.


CHIEF JUSTICE JOHN D. MINTON, JR.

**TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION
DOMESTIC VIOLENCE PROTOCOL
47th JUDICIAL CIRCUIT AND DISTRICT
LETCHER COUNTY**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit and district courts.

I. Uniform Protocol for Processing Cases

- A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. Domestic violence matters may be reassigned from the district court division to circuit court when there is a dissolution/custody proceeding pending.
- D. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- E. Domestic violence cases shall be reassigned or transferred to another circuit when there is a dissolution, legal separation or custody matter pending in the other circuit. Consistent with FCRPP 12, when the local domestic violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

Circuit or District Clerks and local Law Enforcement Officers, specifically including the Letcher County Sheriff's Office.

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

Local Law Enforcement Officers, primarily the Letcher County Sheriff's Office, County Attorney's Office and Commonwealth Attorney's Office.

- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

District Court Judge. If the District Court Judge is unavailable then it shall be taken to the Circuit Court Judge.

- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:

Letcher District Judge. If unavailable then it shall be taken to the Circuit Court Judge.

- E. Petitions will be reviewed within an hour of presentation to a judge unless it is impossible due to the unavailability of a judge.

- F. The schedule for domestic violence hearings is as follows:

Letcher District shall be every Wednesday at 9:00 o'clock a.m. Letcher Circuit Court shall conduct hearing on the 2nd and 4th Thursday of each month at 1:30 p.m.

III. Contempt Proceedings

- A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

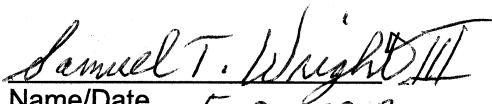
- B. Petitioners seeking to initiate contempt proceedings should contact:

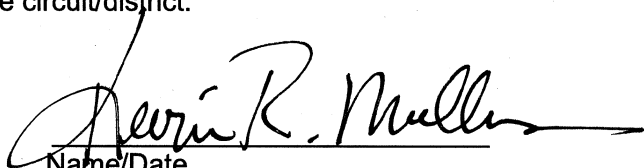
Letcher County Circuit Clerk, local Law Enforcement or the County Attorney's Office.

- C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the circuit/district:


Name/Date 5-8-2012


Name/Date 5/23/2012